

Appl. No.: 09/858,415
Amdt. dated: 10/10/2006
Reply to Office Action of June 8, 2006

RECEIVED
CENTRAL FAX CENTER

OCT 10 2006

REMARKS

Upon entry of the instant amendment, claims 1-6 are pending. Claims 1-6 have been amended to more particularly point out the Applicant's invention. It is respectfully submitted that upon entry of the instant amendment, the application is in condition for allowance.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-2 and 5-6 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over Sieben et al US Patent No. 6,754,468 ("the Sieben et al patent"). In order for there to be anticipation, each and every one of the claim elements must be found in a single reference. It is respectfully submitted that the claims recite elements not disclosed or suggested by the Sieben et al patent. For example, claims 1, 2 and 5 recite, in combination, a communication system which *automatically* synchronizes a content host and a digital content player when the two are in range of one another. The support for this amendment is provided, for example, in paragraph [0042]. Claim 6 recites a communication system which *automatically* synchronizes two digital content players in range of one another. The support for this amendment is provided, for example, in paragraph [0051]. The Sieben patent does not disclose or suggest automatic transfer of any digital content between a content host and a digital content player, as recited in claims 1, 2 and 5 or between digital content players, as recited in claim 6. Rather, the device taught by the Sieben et al patent is *manually* operated and thus teaches away from the invention. See, for example, the Sieben et al patent, Col. 1 lines 55-67 : "To implement these desirable characteristics, the following technical

Page 3 of 5

Appl. No.: 09/858,415
Amdt. dated: 10/10/2006
Reply to Office Action of June 8, 2006

measures are provided.

small, portable devices which are preferably incorporated in a radiotelephone;
sufficient storage capacities; a uniform data interface for the reception, exchange, and
transfer of data with various contents, such as texts, images, data files, computer
programs, audio or video sequences, etc.; the data interface is implemented by a
simple, wireless interface with a very short range; *and simple manual control of the
device.*" Also see Col. 3, lines 32-37.: "*Manual control of the communications device
1 is effected via few control knobs or keys, which are shown schematically as a
keypad 8. The manual key functions control the ready-to-transmit state, the ready-
to-receive state, and/or auxiliary functions, such as address, index, or encryption
inputs.*" Thus, there can be no anticipation. The Examiner is respectfully requested to
reconsider and withdraw this rejection.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 3-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the
Sieben et al patent. As mentioned above, the Sieben et al patent actually teaches away from the
invention recited in the claims at issue. For these reasons and the reasons above, the Examiner is
respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. § 103(a).

Appl. No.: 09/858,415
Amdt. dated: 10/10/2006
Reply to Office Action of June 8, 2006

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By: 
John S. Pahiaguas

Registration No.: 31,051

KATTEN MUCHIN ROSENMAN LLP
1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington, DC 20007-5201
Telephone No. (312) 902-5200
Facsimile No. (312) 902-1061